

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**CHRIS REED**

**PLAINTIFF**

**VERSUS**

**CIVIL ACTION NO. 4:02CV287**

**CITY OF GREENWOOD, et al**

**DEFENDANTS**

**ORDER**

This cause is before the Court on defendant Osborne's Motion for Judgment Notwithstanding Jury Verdict or in the Alternative Motion for New Trial [281]. The Court, having reviewed the motion, the response, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant Osborne recites a plethora of grounds in support of his motion for j.n.o.v. His principal argument rests on the Court's refusal to permit defendant Osborne to insert the issue of race into the case. The rationale behind the decision was two-fold: 1) evidence of race was not relevant to the principal issues of the case; and 2) any tangential relevance race might have had was far outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. Accordingly, the evidence in question was properly excluded in accordance with F.R.E. 403.

Among the other errors asserted by Osborne are the following: failure to excuse a member of the jury venire for cause; thereby forcing Osborne to utilize a peremptory challenge he would have preferred to save for another member of the panel; the Court's denial of Osborne's request to participate in bench conferences; the Court's denial of defendant Osborne's motion for mistrial; the provision of water and medication to plaintiff by a court security officer while in the presence of the

jury; the Court's participation in the examination of certain witnesses'; the admission of certain testimony and exhibits; the grant or refusal of certain jury instructions; the Court's decision to allow a juror who suffered a death in the family to participate in deliberations; and finally, that the verdict for compensatory and punitive damages was against the overwhelming weight of the evidence; The Court has considered each of the additional grounds raised in Osborne's present motion and finds them to be unfounded and without merit. Accordingly, defendant Osborne's motion is not well-taken and should be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that defendant Osborne's Motion for Judgment Notwithstanding Jury Verdict or in the Alternative Motion for New Trial [281] is not well-taken and should be, and hereby is, DENIED.

SO ORDERED, this the 23<sup>rd</sup> day of June, 2008.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE